

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Darrell L. Goss,)	
)	
Petitioner,)	
)	Civil Action No. 2:18-2938-BHH
v.)	
)	
Warden Charles Williams,)	<u>ORDER</u>
)	
Respondent.)	
_____)	

This matter is before the Court on Petitioner Darrell L. Goss's ("Petitioner") pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. In accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(d) (D.S.C.), the matter was referred to a United States Magistrate Judge for initial review.

On April 8, 2019, Magistrate Judge Mary Gordon Baker filed a Report and Recommendation ("Report") outlining Plaintiff's motions, ultimately denying Petitioner's motion to stay (ECF No. 51) and recommending that the Court deny Petitioner's motion for a temporary restraining order or in the alternative, preliminary injunction (ECF No. 45). Attached to the Report was a notice advising Petitioner of his right to file written objections to the Report within fourteen days of being served with a copy. On April 29, 2019, Petitioner filed a response to the Magistrate Judge's Report, indicating that he has no objections to the Report. (See ECF No. 69.)

The Magistrate Judge makes only a recommendation to the Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976). The Court

is charged with making a de novo determination only of those portions of the Report to which specific objections are made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of specific objections, the Court reviews the matter only for clear error. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’”) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Here, the Court has reviewed the record, the applicable law, and the findings and recommendations of the Magistrate Judge for clear error. After review, the Court finds no clear error and agrees with the Magistrate Judge’s findings. Accordingly, the Court adopts and incorporates the Magistrate Judge’s Report (ECF No. 53) and denies Petitioner’s motion for a temporary restraining order or in the alternative, preliminary injunction (ECF No. 45).

IT IS SO ORDERED.

/s/Bruce H. Hendricks
Bruce Howe Hendricks
United States District Judge

May 6, 2019
Charleston, South Carolina